

JAN 12 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CUTBERTO DEL TORO
CASTELLANOS; NORMA ANGELICA
MACIAS LLAMAS,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-74347

Agency Nos. A72-892-242
A75-487-332

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted January 9, 2006^{**}

Before: HUG, O'SCANNLAIN, and SILVERMAN, Circuit Judges.

Cutberto Del Toro Castellanos and Norma Angelica Macias Llamas, natives
and citizens of Mexico, petition pro se for review of the Board of Immigration
Appeals' ("BIA") order denying their motion to reopen removal proceedings. To

^{*} This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

the extent we have jurisdiction, it is conferred by 8 U.S.C. § 1252. We dismiss in part and deny in part the petition for review.

Because the instant petition for review is timely only as to the BIA's order denying Petitioners' motion to reopen based on an approved alien worker petition, we dismiss the petition to the extent it challenges the agency's previous decisions. *See* 8 U.S.C. § 1252(b)(1) (providing that a petition for review must be filed not later than 30 days after the final order of removal).

Petitioners fail to contend in their opening brief how the BIA erred in denying their motion to reopen as untimely, and thereby have waived any challenge to the only decision before us. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259 (9th Cir. 1996).

Respondent's motion to supplement the record, filed on May 9, 2005, is granted.

PETITION FOR REVIEW DISMISSED in part; DENIED in part.